THE HON'BLE SRI JUSTICE L.NARASIMHA REDDY

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WRIT PETITION No.19654 OF 2005

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Dt: 06.09.2005

Between:

M/s. B. Seenaiah & Co. rep., by its

Site Incharge Sri G. Srinivasarao.

.. Petitioner

AND

The Secretary, Regional Transport Authority,

Hyderabad & 2 others.

.. Respondents

THE HON'BLE SRI JUSTICE L.NARASIMHA REDDY

WRIT PETITION No.19654 OF 2005

ORDER:

The petitioner is the owner of a dumper (heavy goods vehicle) with registration No.KA 25-3937. It was seized by the

3rd respondent on 30.08.2005 through a Vehicle Check Report, on noticing that the vehicle was plying without permit, R.C. and driving licence. The petitioner challenges the seizure.

Heard the learned counsel for the petitioner and the learned Standing Counsel for Transport.

The liability of the petitioner in view of the violations pointed out in the Check Report needs to be decided in the proceedings to be initiated under the relevant provisions of the Motor Vehicles Act and Rules. The detention of the vehicle in the meanwhile does not sub-serve the purpose of the State or the petitioner. On the other hand, the vehicle will be exposed to damage and theft.

There is a dispute as to whether the vehicle was registered with the RTA, Ananthapur at all. While the petitioner asserts that it is so registered, learned Government Pleader denied the same.

Having regard to the facts and circumstances of the case, the writ petition is disposed of, directing that in case the vehicle is registered with the RTA, Ananthapur, it shall be released on payment of a sum of Rs.10,000/- (Rs. Ten thousand only) and subject to furnishing an undertaking to the effect that the petitioner shall not alienate the vehicle till the disposal of the proceedings in relation to the Check Report and that he shall produce the vehicle as and when required. No order as to costs.

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06.09.2005

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Note:- Issue CC by tomorrow.

B/o.

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